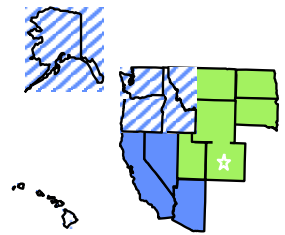




# US Army Environmental Center Western Regional Environmental Office REGION 8 – FEBRUARY 2006 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. This information is intended for general guidance, and the reader should review the cited source documents for more detailed information to determine the applicability and scope of the referenced legislation and regulations. When used within the framework of ISO14001, this Review can be part of an installation's procedures to satisfy Section 4.3.2 (Legal and other requirements) of ISO14001. Please contact your regional point of contact if any pending rules or laws in this document will have a significant impact on your operations.

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## **WREO Information About Monthly Reviews**

The monthly Western Regional Reviews are available by e-mail distribution. If you would like to receive the Review in electronic format each month, please e-mail: [jmiller@rma.army.mil](mailto:jmiller@rma.army.mil). Write "Subscription" in the subject line and include your name and e-mail address. For general comments, please contact Bob Gurdikian at the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone: (303) 844-0952, or fax: (303) 844-0951.

The WREO's mission is to support the Army/DoD through coordination of regional environmental issues and activities. Part of its mission is to provide regional reviews of legislative and regulatory issues relevant to the Army/DoD in the Western Region. The information contained in this review is current as of the 20th day of the previous month.

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## FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



### ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

#### AIR INFORMATION:

##### **PROPOSED RULEMAKING ON NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER**

– The United States Environmental Protection Agency (EPA) has released the text of a proposal to reduce National Ambient Air Quality Standards (NAAQS) for particulate matter. The proposed revisions will address fine particles of 2.5 micrometers in diameter and smaller; and "inhalable coarse" particles between 2.5 and 10 micrometers (PM<sub>10-2.5</sub>). The proposed revisions include strengthening, by nearly 50 percent, EPA's standards for short-term exposure to high levels of fine particles. For more information, contact Larry Webber, USAEC, at (410) 436-1213. <http://www.epa.gov/air/particles/actions.html>

##### **CONSIDERATION TO LIST DIESEL ENGINE EXHAUST AS A HAZARDOUS AIR**

**POLLUTANT** – The EPA will consider whether to list diesel exhaust as a hazardous air pollutant (HAP). Comments on the proposed consent decree were due by January 20, 2006 ([70 FR 75797](#)). For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

##### **PROPOSED AMENDMENTS TO AIR TOXICS STANDARDS FOR PERCHLOROETHYLENE DRY CLEANERS**

– The EPA has proposed revised standards to limit emissions of perchloroethylene (PCE) from existing and new dry cleaning facilities ([70 FR 75883](#)). For existing area sources, the proposed revisions would require implementation of an enhanced leak detection and repair (LDAR) program and a prohibition on the use of existing transfer machines. For new area sources, the proposed rule would require implementation of an enhanced LDAR program and use of a non-vented dry-to-dry machine with a refrigerated condenser and secondary carbon adsorber. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

##### **NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP) FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL BOILERS AND PROCESS HEATERS**

– The EPA has amended the NESHAP for industrial, commercial, and institutional boilers and process heaters which EPA promulgated on September 13, 2004 ([70 FR 76917](#)). This rule applies to major HAP sources. The amendments are effective on February 27, 2006. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

**MISCELLANEOUS COATING MANUFACTURING** – The EPA is withdrawing an amendment that compliance with weight percent HAP limit in coatings products may be demonstrated based on formulation data ([70 FR 75923](#)). The EPA is now issuing final amendments to specify that certain raw material formulation data as supplied to coating manufacturers may be used to demonstrate compliance with the weight percent HAP limit. The rule became effective on

December 21, 2005. For more information, contact Paul Josephson, USAEC, at (410) 436-1205.

**NAAQS FOR PARTICULATE MATTER** – The EPA is proposing to make revisions to the primary and secondary NAAQS for PM ([71 FR 2619](#)). With regard to primary standards for fine particles (PM 2.5), EPA proposes to revise the level of the 24-hour PM 2.5 standard to 35 micrograms per cubic meter ( $\text{ug}/\text{m}^3$ ) and to retain the level of the annual PM 2.5 standard at 15  $\text{ug}/\text{m}^3$ . With regard to primary standards for PM 10, the EPA proposes to revise the 24-hour PM 10 standard in part by establishing a new indicator for thoracic coarse particles so as to include any ambient mix of PM 10-2.5 that is dominated by resuspended dust from high-density traffic on paved roads and PM generated by industrial sources and construction sources. The EPA proposes to set the new PM 10-2.5 standard at a level of 70  $\text{ug}/\text{m}^3$ . Also, the EPA proposes to revoke, upon finalization of a primary 24-hour standard for PM 10-2.5, the current 24-hour PM 10 standard in all areas of the country except in areas where there is at least one monitor located in an urbanized area with a minimum population of 100,000 that violates the current 24-hour PM 10 standard based on the most recent three years of data. Comments are due April 17, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

**REVISIONS TO AMBIENT AIR MONITORING REGULATIONS** - The EPA is proposing to revise the ambient air monitoring requirements for criteria pollutants ([71 FR 2709](#)). This proposal includes new minimum monitoring network requirements for PM10-2.5 and criteria for approval of federal reference and equivalent methods for PM 10-2.5. Comments are due April 17, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

**REVISIONS TO MONTANA'S EMERGENCY EPISODE AVOIDANCE PLAN** – The EPA approved SIP revisions submitted by the State of Montana. The revisions are to the State's Emergency Episode Avoidance Plan ([71 FR 19](#)). Barring any adverse comment, the rule becomes effective on March 6, 2006. For more information, contact Larry Webber, USAEC, at (410) 436-1213.

### **WATER INFORMATION:**

**PEAK WET WEATHER DISCHARGES FROM PLANTS SERVING SEPARATE SANITARY SEWER COLLECTION SYSTEMS** – The EPA has drafted a policy regarding the National Pollution Discharge Elimination System (NPDES) permit requirements for peak wet weather discharges from publicly owned treatment works treatment plants serving separate sanitary sewer collection systems. Comments were due January 23, 2006 ([70 FR 76013](#)). For more information, contact Misha Turner, USAEC, at (410) 436-1203.

**STORMWATER DISCHARGES FROM INDUSTRIAL ACTIVITIES** – The EPA has extended the comment period on the proposed NPDES General Permit for Stormwater Discharges from Industrial Activities to February 16, 2006 ([70 FR 76285](#)). For more information, contact Misha Turner, USAEC, at (410) 436-1203.

**LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE** – The EPA has issued national primary drinking water regulations that require the use of treatment techniques, along with monitoring, reporting, and public notification requirements, for all public water systems that use surface water sources ([71 FR 653](#)). The purposes of the Long Term 2 Enhanced Surface Water Treatment Rule are to improve control of microbial pathogens, including *Cryptosporidium*, in drinking water and to address risk trade-offs with the control of disinfection byproducts. The

final rule is effective on March 6, 2006. For more information, contact Misha Turner, USAEC, at (410) 436-1203.

**STAGE 2 DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE** – The EPA has issued a set of drinking water regulations known as the Stage 2 Disinfectants and Disinfection Byproducts Rule ([71 FR 387](#)). The rule applies to public water systems of any size that are community water systems or nontransient noncommunity water systems that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light. The final rule is effective on March 6, 2006. For more information, contact Misha Turner, USAEC, at (410) 436-1203.

**GUIDE TO WATERSHED MANAGEMENT** – The EPA has released a draft guide to watershed management entitled "Handbook for Developing Watershed Plans to Restore and Protect Our Waters". Comments are due June 30, 2006. The handbook can be found at [http://www.epa.gov/owow/nps/watershed\\_handbook/pdf/handbook.pdf](http://www.epa.gov/owow/nps/watershed_handbook/pdf/handbook.pdf).

### WASTE INFORMATION:

None.

### OTHER INFORMATION:

**RENEWABLE FUEL STANDARD FOR 2006** – The EPA has released a direct final rulemaking to clarify the percentage renewable fuel content of the nation's gasoline supply during calendar year 2006, as mandated by the Energy Policy Act of 2005 ([70 FR 77325](#)). Barring any adverse comment, the rule will take effect 60 days after publication in the Federal Register.

**BE RECOGNIZED FOR YOUR ENVIRONMENTAL PROGRAM** - If your facility is an environmental leader and has had an EMS in place for more than one year, you can apply for the National Environmental Performance Track Program, which offers incentives and recognition to facilities that go beyond compliance and demonstrate measurable environmental improvements. Applications are accepted twice a year: April 1 – May 31 and September 1 – October 31. <http://www.epa.gov/performancetrack/>

**LEAD RENOVATION, REPAIR, AND PAINTING PROGRAM** – The EPA is proposing new requirements to reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead-based paint, and would apply in any housing constructed before 1978 ([71 FR 1587](#)). Comments are due April 10, 2006.

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## OTHER FEDERAL INFORMATION

**PROTECTIVE ACTION GUIDES FOR RADIOLOGICAL DISPERSAL DEVICE AND IMPROVISED NUCLEAR DEVICE INCIDENTS** – The Preparedness Directorate of the Department of Homeland Security has issued guidance ([71 FR 173](#)) entitled, "Application of Protective Action Guides for Radiological Dispersal Devices (RDD) and Improvised Nuclear Device (IND) Incidents." Comments are due March 6, 2006.



## UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EVENT	DATE	LOCATION	DETAILS
<b>EPA Training Courses</b>	Multiple Dates	Multiple Sites	The EPA continually offers regional and national training opportunities on a variety of subjects. <a href="http://www.trainex.org">www.trainex.org</a>
<b>Federal Electronics Stewardship Conference</b>	February 7-8, 2006	Washington, DC	The second annual Federal Electronics Stewardship Conference will showcase success stories of Federal Electronics Challenge (FEC) partners, as well as provide an opportunity for FEC partners and other federal facilities to share ideas and discuss best practices related to environmentally sound electronics purchasing, use, and end-of-life management. <a href="http://www.federalelectronicschallenge.net/news-eve2.htm">http://www.federalelectronicschallenge.net/news-eve2.htm</a>
<b>Symposium on Perchlorate: Exposures from Food and the Environment</b>	February 9, 2006	Phoenix, AZ	This meeting is sponsored by ASTM International as part of standards development meetings of the Soil and Rock Committee. <a href="#">Perchlorate meeting</a>
<b>Historic Preservation Law and Section 106 Compliance Course</b>	February 14 – 16, 2006  April 18 -20, 2006  July 18 – 20, 2006	Nellis AFB, NV  Denver, CO  Langley, VA	This course emphasizes legal compliance (the National Historic Preservation Act Section 106 process) through the use of actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes, but is not limited to, the stewardship role, use of historic properties, and communications with related oversight agencies. For more information, please visit <a href="https://www.cecos.navy.mil/showcourse.cfm?CourseID=24">https://www.cecos.navy.mil/showcourse.cfm?CourseID=24</a> .
<b>Health Risk Communication Workshops</b>	February 21-23, 2006  July 5-7, 2006  August 22-24, 2006	Honolulu, HI  San Antonio, TX  Colorado Springs, CO	The Risk Communication Training Program prepares defense agencies, uniformed services, and veteran services personnel to interact better with both internal and external audiences in sensitive and challenging situations related to encroachment, sustainability, environmental, and other topics. <a href="http://chppm-www.apgea.army.mil/risk">http://chppm-www.apgea.army.mil/risk</a>
<b>American Indian Cultural Communication Training</b>	March 7-9, 2006	Albuquerque, NM	The DoD will conduct a free three-day training course that provides an overview of DoD's American Indian and Alaska Native Policy and cover practical methods to enhance formal consultation and intercultural communication with tribes. For more information, email <a href="mailto:lberg@teleport.com">lberg@teleport.com</a> .
<b>Conference on Soils, Sediments, and Water</b>	March 13 -16, 2005	San Diego, CA	Sponsored by the Association for Environmental Health Sciences. <a href="http://www.aehs.com/conferences/westcoast/">http://www.aehs.com/conferences/westcoast/</a>
<b>Introduction to Cultural Resources Management</b>	March 14 – 16, 2006  August 15 – 17	Atlanta, GA  New London, CT	This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. For more information, please visit <a href="https://www.cecos.navy.mil/showcourse.cfm?CourseID=25">https://www.cecos.navy.mil/showcourse.cfm?CourseID=25</a> .
<b>Restoring Forests and Strengthening Economies</b>	March 14 – 16, 2006	Denver, CO	The topic of invasive plants, which may be considered for use in bioenergy/bioproductions efforts, will be discussed. <a href="http://www.nationalbiomassconference.org/">http://www.nationalbiomassconference.org/</a>
<b>Federal Facilities Priority Chemicals Workshop</b>	March 16, 2006	San Francisco, CA	This free workshop is designed to give you viable alternatives to reduce the use of priority chemicals outlined in Federal Executive Order 13148. For more information, email <a href="mailto:Woods.larry@epa.gov">Woods.larry@epa.gov</a> or call 415-972-3857.
<b>Joint Services Environmental Management Conference</b>	March 20 -23, 2006	Denver, CO	The theme of the conference is transformation, highlighting the many new and innovative ways the Department of Defense and other agencies are transforming how we are meeting our mission needs while protecting the environment. <a href="http://www.jsenconference.com/2006/">http://www.jsenconference.com/2006/</a>



EVENT	DATE	LOCATION	DETAILS
<b>Hazardous Waste Management and Manifesting Initial DOT Certification Course</b>	March 20 – 24, 2006	Omaha, NE	The intent of this course is to fulfill the initial training requirements of 49 CFR 172, Subpart H. Topics include RCRA waste classification, land disposal restrictions and notifications, generator requirements, manifesting requirements, etc. To register for Course 223, go to <a href="http://pdsc.usace.army.mil/RegistrationInfo.aspx">http://pdsc.usace.army.mil/RegistrationInfo.aspx</a> . For information about the course, contact <a href="mailto:sandi.m.zebrowski@usace.army.mil">sandi.m.zebrowski@usace.army.mil</a> . Courses details are at <a href="http://pdsc.usace.army.mil/CourseListDetail.aspx?CtrlNbr=223">http://pdsc.usace.army.mil/CourseListDetail.aspx?CtrlNbr=223</a> .
<b>National Military Fish and Wildlife Association Conference</b>	March 21 -24, 2006	Columbus, OH	Annual meeting covering cultural and natural resources management on military lands. <a href="http://www.nmfwa.org/2006_Meeting/index.htm">http://www.nmfwa.org/2006_Meeting/index.htm</a>
<b>Hazardous Waste Management and Manifest DOT Recertification Course</b>	March 22 – 23, 2006	Omaha, NE	The intent is to fulfill the recurrent training requirements of 49 CFR 172, Subpart H as they relate to the transportation of hazardous wastes and the use of a hazardous waste manifest. The course is listed as an approved DOD training source. Register for Course 429 at <a href="http://pdsc.usace.army.mil/RegistrationInfo.aspx">http://pdsc.usace.army.mil/RegistrationInfo.aspx</a> . For information about the course, contact <a href="mailto:sandi.m.zebrowski@usace.army.mil">sandi.m.zebrowski@usace.army.mil</a> .
<b>5<sup>th</sup> National Integrated Pest Management Symposium</b>	April 4-6, 2006	St. Louis, MO	Symposium sessions will address state of the art strategies and technologies to successfully solve pest problems in agricultural, recreational, natural and community settings. <a href="http://www.ipmcenters.org/ipmsymposium/">http://www.ipmcenters.org/ipmsymposium/</a>
<b>Environmental Negotiation Workshop</b>	April 18-20, 2006	Bremerton, WA	This three-day workshop provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It is intended for military and civilian personnel in environmental compliance, installation restoration, natural and cultural resources that are responsible for communicating and negotiating with other environmental professionals, regulators, and public stakeholders. <a href="https://www.cecos.navy.mil/coursedetail.cfm?courseid=20">https://www.cecos.navy.mil/coursedetail.cfm?courseid=20</a>
<b>National Association of Environmental Professionals Annual Conference</b>	April 23 - 26, 2006	Albuquerque, NM	This year's conference theme centers on <i>Global Perspectives on Regional Issues: The Future for Environmental Professionals in the Next 30 Years</i> . <a href="http://www.naep.org/displayconvention.cfm">http://www.naep.org/displayconvention.cfm</a>
<b>9<sup>th</sup> National Mitigation &amp; Conservation Banking Conference</b>	April 24 -27, 2006	Portland, OR	This year's theme is "Environmental Banking: Cultivating this Green Frontier." <a href="http://www.mitigationbankingconference.com/">http://www.mitigationbankingconference.com/</a>
<b>National Environmental Partnership Summit</b>	May 8-11, 2006	Atlanta, GA	The theme for the summit is "Stewardship in Action". Join environmental leaders in examining partnering, science and systems-based approaches, multi-media and integrated strategies, and sustainability. <a href="http://www.environmentalsummit.org">www.environmentalsummit.org</a>
<b>American Water Works Association Annual Conference</b>	June 11-15, 2005	San Antonio, TX	Learn about all aspects of the water industry. <a href="http://www.awwa.org/ace06/">http://www.awwa.org/ace06/</a>
<b>Natural Resources Compliance Course</b>	June 20 -23, 2006	Colorado Springs, CO	This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. The course addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and interservice cooperation. For more information go to <a href="https://www.cecos.navy.mil/showcourse.cfm?CourseID=42">https://www.cecos.navy.mil/showcourse.cfm?CourseID=42</a> .
<b>Air &amp; Waste Management Association Annual Conference and Exhibition</b>	June 20 -23, 2006	New Orleans, LA	The air quality and waste management challenges faced during earliest states of Hurricane Katrina recovery and the firsthand availability of the experts who dealt with those challenges throughout the Gulf Coast region affords conference attendees the unique opportunity for a program closely tied with A&WMA's mission. <a href="http://www.awma.org/ACE2006/">http://www.awma.org/ACE2006/</a>

EVENT	DATE	LOCATION	DETAILS
<b>Community Involvement Conference &amp; Training</b>	June 27 – 30, 2006	Milwaukee, WI	This conference brings together public participation and community involvement professionals from EPA and its federal, state, tribal, and local partners. <a href="http://www.epa.gov/superfund/action/community/ciconference/2006/index.htm">http://www.epa.gov/superfund/action/community/ciconference/2006/index.htm</a>
<b>StormCon</b>	July 24 – 27, 2006	Denver, CO	The fifth annual North American Surface Water Quality Conference and Exposition will offer sessions on best management practices and research designed to provide solutions to community surface water quality problems and compliance challenges. <a href="http://www.stormcon.com/sc.html">http://www.stormcon.com/sc.html</a>

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## STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



## COLORADO

### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

**DENVER CARBON MONOXIDE MAINTENANCE PLAN** – The Colorado Department of Public Health and Environment (CDPHE) is revising the Denver Carbon Monoxide Maintenance Plan. A public hearing was held on December 16, 2005. Comments from the hearing are currently being reviewed. For more information, contact Mike Silverstein at (303) 692-3113.

**REVISIONS TO REGULATION 3, STATIONARY SOURCE PERMITTING AND AIR POLLUTANT EMISSION NOTICE REQUIREMENTS** – The CDPHE has adopted revisions to Regulation 3, Stationary Source Permitting and Air Pollutant Emission Notice Requirements, to repeal the clean unit exclusion provisions, the pollution control project (PCP) provisions and record keeping provisions regarding requirements for sources to maintain records of emission calculations if a source has a “reasonable possibility” of causing a significant emissions increase. These revisions are anticipated to be submitted to the EPA for final approval as part of the Colorado State Implementation Plan (SIP) in January 2006. For more information, contact Melanie Loyzim at (303) 692-3147. The rulemaking website is available at [http://www.dora.state.co.us/pls/real/SB121\\_Web.Show\\_Rule?p\\_rule\\_id=1451](http://www.dora.state.co.us/pls/real/SB121_Web.Show_Rule?p_rule_id=1451).

**REVISIONS TO REGULATION 11, THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM** – The CDPHE has adopted revisions to Regulation 11, which reflect statutory changes regarding emission testing cycles and repeal the vehicle emission limits or cut-points currently identified in the regulation that became effective on January 1, 2006. The revisions reduce the compliance time when bringing a car into Colorado from another state from 30 to 15 days. The regulations now allow vehicles less than four model years old, registered in the program area for the first time, to be registered without an inspection or certification. The amendments were adopted on November 17, 2005 and became effective on January 30, 2006. For more information, contact Kim Livo at (303) 692-3134. The final revised regulations are available at <http://www.cdphe.state.co.us/op/regs/airregs/100113aqccmotorvehicleinspections.pdf>.

**DEVELOPMENT OF A REGIONAL HAZE PLAN** – The CDPHE is preparing a regional haze SIP revision pursuant to Section 308 of the Regional Haze Rule. Regulation 3, part G, released by the CDPHE On October 6, 2005, sets forth the process by which sources that are subject to Best Available Retrofit Technology (BART) must complete a determination of the Best Available Retrofit Technology applicable to that source. The proposed rule assumes that all BART-eligible sources are subject to BART, but allows individual sources the opportunity to demonstrate that they are neither eligible nor subject to BART. The public hearing scheduled for December 2005 has been continued to March 15, 2006. For more information, contact Kirsten King at (303) 692-3111. The Regional Haze homepage is available at

<http://www.cdphe.state.co.us/ap/regionalhaze.html>.

**REVISIONS TO REGULATION 8, PART E INCORPORATING BY REFERENCE CHANGES TO THE FEDERAL NESHAP RULES**

– The Air Quality Control Commission (AQCC) is proposing to adopt by reference the most recent version of 40 CFR Part 6 (NESHAP for source categories), last amended on May 20, 2005. The AQCC held a written comment only hearing to consider adoption of the revisions on January 19, 2006. For more information, contact Melanie Loyzim at (303) 692-3147. The proposed revisions are available at [http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F6141/kaysReg%208%20Part%20E%2001\\_19\\_06.doc](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F6141/kaysReg%208%20Part%20E%2001_19_06.doc).

**WATER INFORMATION:**

**DEVELOPMENT OF THE 2006 303(D) LIST** – The CDPHE is proposing to adopt the 2006 303(d) list. Regulation 93, Water-Quality-Limited Segments Requiring Total Maximum Daily Loads (TMDLs), and Regulation 94, Colorado's Monitoring and Evaluation List, will be considered at the February 13 and 14, 2006 Water Quality Control Commission (WQCC) hearing. A prehearing conference was held on January 11, 2006. The rulemaking website, including the proposed 2006 303(d) list, is available at [http://www.cdphe.state.co.us/op/wqcc/OtherRegs/93-94\\_2006/Regs93-94\\_2006.htm](http://www.cdphe.state.co.us/op/wqcc/OtherRegs/93-94_2006/Regs93-94_2006.htm).

**AMENDMENTS TO THE WATER AND WASTEWATER FACILITY OPERATORS**

**CERTIFICATION REQUIREMENTS** – The CDPHE adopted amendments that more precisely define certain classifications, and broaden other classifications to reflect newer technologies and to remove certain inconsistencies. The amendments became effective in October 2005. For more information, contact Paul Frohardt at (303) 692-3468.

**AMENDMENTS TO REGULATION 42, SPECIFIC WATER QUALITY CLASSIFICATIONS AND STANDARDS FOR GROUNDWATER**

– The CDPHE is proposing to adopt minor typographical changes to Regulation 42. A public hearing to consider adoption of the changes will be held on February 13, 2006. For more information, contact Diana Glaser at (303) 692-3469. The proposed changes are available at <http://www.cdphe.state.co.us/op/wqcc/MeetingsandHearings/HearingNotices/rulemaking/Notice42Ex1.pdf>.

**AMENDMENTS TO REGULATION 63 REGARDING PRETREATMENT REQUIREMENTS -**

The WQCC is undertaking a triennial review of Regulation 63. The WQCC will hold a public hearing on February 13, 2006 to solicit public comment on the triennial review process. For more information, contact Diana Glaser at (303) 692-3469.

**REVISIONS TO THE WATER AND WASTEWATER FACILITY OPERATORS**

**CERTIFICATION REQUIREMENTS** – The CDPHE is proposing to make amendments to the water and wastewater facility operators certification requirements that clarify the educational requirements for operator certification. The CDPHE will hold a public hearing on February 14, 2006. Comments were due February 2, 2006. For more information, contact Betsy Beaver at (303) 692-3503. The proposed revisions and hearing notice are available at [http://www.dora.state.co.us/pls/real/SB121.Download\\_file?p\\_file=F30087/0602RMHnoticeandPrposal.pdf](http://www.dora.state.co.us/pls/real/SB121.Download_file?p_file=F30087/0602RMHnoticeandPrposal.pdf).

**REVISIONS TO THE WATER BODY SEGMENTATION DESCRIPTIONS IN EIGHT BASINS –**

The CDPHE approved revisions to the water body segmentation descriptions in Classifications

and Numeric Standards for Arkansas River Basin; the Upper Colorado River Basin and North Platte River (Planning Region 12); the Lower Colorado River Basin; and the South Platte River Basin, Laramie River Basin, Republican River Basin and Smoky Hill River Basin. The CDPHE approved the revisions at a hearing held on December 12, 2005. They will become effective on March 2, 2006. For more information, contact Sarah Johnson at (303) 692-3609. Notice of the final rule adoption is available at

<http://www.cdphe.state.co.us/wq/bulletin/WQbulletin0106.pdf> (page 13).

**AMENDMENTS TO THE TEMPERATURE CRITERIA METHODOLOGY** – The WQCC is proposing to revise its methodology for calculating temperature criteria. The WQCC will hold a public hearing on April 10, 2006 to consider adoption of the proposed criteria. Comments are due March 9, 2006. For more information, contact Diana Glaser at (303) 692-3469. The draft methodology will be available by February 16, 2006 at

<http://www.cdphe.state.co.us/op/wqcc/wqcchom.asp>.

### **WASTE INFORMATION:**

#### **AMENDMENTS TO THE UNDERGROUND AND ABOVEGROUND STORAGE TANK REQUIREMENTS**

– The Colorado Department of Labor and Employment (CDLE) has amended the Underground and Aboveground Storage Tank regulations by updating the risk-based safety levels (RBSLs) to incorporate new exposure factors as incorporated in USEPA's Region 9 preliminary remediation goals table. The amendments were effective October 1, 2005. For more information, contact Dick Piper at (303) 318-8502. The amended regulations are available at <http://oil.cdle.state.co.us/OIL/StatutesRegulations/CURRENT%20REGS%20-%202005%20black.doc>.

#### **CORRECTION OF TYPOGRAPHICAL ERRORS IN HAZARDOUS WASTE COMMISSION RULES DEALING WITH BURNING OF HAZARDOUS WASTE IN BOILERS AND INDUSTRIAL FURNACES**

– The Hazardous Waste Commission (HWC) adopted minor amendments to 6 CCR 1007-3 Parts 260, 264 and 100 to correct typographical errors. The HWC adopted the amendments on November 15, 2005 with an effective date of January 1, 2006. For more information, contact Laurie Perila at (303) 692-3467.

**AMENDMENTS TO THE HAZARDOUS WASTE REGULATIONS** – The HWC adopted amendments to the hazardous waste regulations regarding requirements for used oil storage, contingency plans, transfer facilities, hazardous waste listing, and generator treatment and land disposal restrictions. The changes to the used oil storage requirements (Section 279.22) require that containers stored outdoors be kept closed during storage except when necessary to add or remove oil. The amendments to the transfer facility requirements (Section 263.12) add a requirement that the owner or operator of a transfer facility maintain documentation to verify compliance with the 10-day storage limit requirement (pursuant to section 263.12). The amendments to the hazardous waste listing requirements (Section 261.31(a)) clarify the definition of "conversion coating." Lastly, the land disposal restriction requirements (Section 100.21) make the land disposal requirement consistent with that found in Section 268.7(a)(5) that require a generator to maintain a copy of the waste analysis plan on site. The HWC also considered revisions to amend contingency plan requirements (Section 265.52) to require that plans also identify the applicable local emergency planning committee (LEPC) and that a copy of the contingency plan be provided to the LEPC. The amendment to Section 265.52 has been put on hold so that the HWC can solicit additional information from local emergency planning commissions. For more information, contact Randy Perila at (303) 692-3364. The final

amended identification and listing requirements are available at  
<http://www.cdphe.state.co.us/op/regs/hazwaste/10073261hazwasteidentificationlisting.pdf>.

**AMENDMENTS TO THE REGULATIONS IMPLEMENTING THE COLORADO**

**ENVIRONMENTAL COVENANTS STATUTE** – The HWC has adopted changes to the Hazardous Waste Commission rules pertaining to the Environmental Covenants Statute. The changes add a definition of "environmental covenant" to Part 260, defining it as "an instrument containing environmental use restrictions created pursuant to § 25-15-321, C.R.S." The changes to Part 264 require a facility, no later than 30 days prior to closing, to submit a proposed environmental covenant to the CDPHE along with any other materials required. The changes to Part 265 require a facility to submit a draft environmental covenant within 30 days of final closure. Lastly, the revisions to Part 100 add to the application for a state RCRA permit a requirement that all existing hazardous waste management facilities include a copy of any applicable environmental covenants in their permit application. The rules were adopted on November 15, 2005 with an effective date of January 1, 2006. For more information, contact Laurie Perila at (303) 692-3467.

**AMENDMENTS REGARDING ASBESTOS WASTE MANAGEMENT** – The Colorado Board of Health (BOH) proposing revisions to the existing solid waste regulations concerning asbestos waste disposal and management of asbestos contaminated soils. The BOH will continue to consider these amendments at its February 15, 2006 hearing. For more information, contact Joe Schieffelin at (303) 692-3356. The final proposed regulation is available at  
<http://www.cdphe.state.co.us/op/bh/bhhom.asp>.

## **LEGISLATIVE DEVELOPMENTS**

The 2006 legislative session began on January 11, 2006 and will end on May 10, 2006. For information on the legislative session, link: <http://www.leg.state.co.us/>.

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Final Status
Air	<a href="#">SB 58</a>	Senator Ron May (R)  Representative Mark Larson (R)	Proposes to change the requirement for periodic emissions inspections of light-duty diesel motor vehicles from once every 12 months to once every 24 months for vehicles of model year 2004 or newer.	Referred to Senate Transportation Committee	1/12/06			
Water	<a href="#">SB 34</a>	Senator Lewis Entz (R)  Representative Mary Hodge (D)	Proposes to specify that the Board of Directors of the Colorado Water Resources and Power Development Authority shall include one member who is experienced in public health issues related to water quality.	Referred to Senate Agriculture, Natural Resources and Energy Committee	1/11/06			
Waste	<a href="#">HB 1074</a>	Representative Judy Solano (D)  Senator Steve Johnson (R)	Proposes to extend the waste tire recycling fee. Proposes to require that the Advanced Technology Fund be used to finance research and development with regard to waste diversion and recycling strategies.	Referred to House Finance Committee	1/11/06			
	<a href="#">SB 8</a>	Senator Ron May (R)  Representative John Pommer (D)	Proposes to require motor vehicles that weigh less than 10,000 pounds and transport hazardous waste materials to meet the minimum standards for commercial vehicles.	Second Senate reading 1/20/06	1/11/06			
Natural Resources								

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Final Status
Land Use	<a href="#">HB 1025</a>	Representative Morgan Carroll (D)  Senator Bob Hagedorn (D)	Proposes to create concurrent legislative jurisdiction between the state of Colorado and the United States over specified real property within the Buckley Air Force Base. The bill would cede concurrent legislative jurisdiction over specified tracts within the Base.	Passed second Senate Reading 1/20/06	1/11/06			
	<a href="#">HB 1053</a>	Representative John Pommer (D)	Proposes to require each local government with a population greater than 10,000 to prepare, adopt and update a growth management master plan.	Referred to House Local Government Committee	1/11/06			
Other	<a href="#">SB 16</a>	Senator Lewis Entz (R)  Representative John Pommer (D)	Proposes to require the Executive Director of the Department of Personnel to establish a policy by January 1, 2007, requiring all state-owned diesel vehicles and equipment to use a fuel blend of 20% biodiesel and 80% petroleum diesel.	Second Senate Reading 1/20/06	1/11/06			

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# MONTANA

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## **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

### **AIR INFORMATION:**

**INCORPORATION OF EMERGENCY EPISODE AVOIDANCE PLAN (EEAP) INTO SIP** – The Montana Department of Environmental Quality (DEQ) submitted the Montana EEAP to the EPA for inclusion into the Montana SIP. The purpose of the EEAP is to prevent ambient concentrations of air pollutants reaching levels where the health, safety, and welfare of the community may be in danger. The EPA tentatively approved the Montana EEAP on January 3, 2006. Assuming no adverse comments are received, the plan will become effective on March 6, 2006. For more information, contact Debra Wolfe at (406) 444-7916.

**ESTABLISHMENT OF A REGISTRATION SYSTEM FOR CERTAIN SOURCE CATEGORIES AND ADOPTION OF THE FEDERAL EXEMPTION FROM TITLE V PERMITTING** – The DEQ is proposing the development of new rules for its air operating permit program. The proposed new rules would provide a system for the owner or operator of a facility to register with the DEQ in lieu of submitting a permit application and obtaining a permit. Additionally, the DEQ is considering the adoption of a federal exemption from Title V permitting for certain area sources. This proposal is contingent upon the promulgation of such a rule at the federal level. The Board of Environmental Review (BER) held a public hearing on January 23, 2006. Comments were due January 30, 2006. For more information, contact Charles Homer at (406) 444-5279.

**ADOPTION OF A REGISTRATION SYSTEM FOR CERTAIN FACILITIES THAT PRESENTLY REQUIRE AN AIR QUALITY PERMIT** – The DEQ is discussing the development of a registration program for certain facilities that presently require a state air quality permit. The DEQ presented the regulatory proposal to the BER on December 1, 2005. No further timeline for development is currently available. For more information, contact Robert Habeck at (406) 444-7305.

**PARTICIPATION IN SECTION 308 OF THE REGIONAL HAZE RULE** – The Montana Department of Environmental Quality (DEQ) is discussing Montana's participation in the federal Regional Haze Rule. Specifically, as a member of the Section 308 region, Montana is seeking to determine what control methods will be necessary for the State to make "reasonable progress" towards improving the worst 20% visibility days and protecting the best 20% visibility days for all Class I areas inside the state. The DEQ anticipates commencing the formal BART rulemaking no later than July 21, 2006. Stakeholder meetings will be held on February 14, March 14, April 11, May 9, and June 13, 2006. For more information, contact Robert Habeck at (406) 444-7305. The draft BART rule is available at [http://deq.mt.gov/AirQuality/ARM\\_Permits/MARnoticeRegHazeBART-11-22-05.pdf](http://deq.mt.gov/AirQuality/ARM_Permits/MARnoticeRegHazeBART-11-22-05.pdf).



**WATER INFORMATION:**

**LAKE HELENA WATERSHED WATER QUALITY RESTORATION PLAN AND TMDLS** – The DEQ is proposing a Water Quality Restoration Plan and TMDLs for the Lake Helena Watershed. The TMDL is anticipated to be re-released for an additional comment period in the near future. For more information, contact Robert Ray at (406) 444-5319.

**WASTE INFORMATION:**

None.

**LEGISLATIVE DEVELOPMENTS**

There is no 2006 regular legislative session. For information on the 2005 legislative session, link: <http://www.leg.state.mt.us>.

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## **NORTH DAKOTA**

### **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

#### **AIR INFORMATION:**

None.

#### **WATER INFORMATION:**

None.

#### **WASTE INFORMATION:**

None.

### **LEGISLATIVE DEVELOPMENTS**

There is no 2006 regular legislative session. For information on the 2005 legislative session, link: <http://www.state.nd.us/lr/>.

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## SOUTH DAKOTA

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### REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION

#### AIR INFORMATION:

None.

#### WATER INFORMATION:

**WHITE LAKE TMDL** – The South Dakota Department of Environment and Natural Resources is discussing the development of TMDLs for White Lake (Marshall County) of the Red River. The possible criteria pollutants for these TMDLs are based on the water's trophic state index. Comments were due January 31, 2006. For more information, contact Gene Stueven at (605) 773-3296.

#### WASTE INFORMATION:

None.

## **LEGISLATIVE DEVELOPMENTS**

The 2006 legislative session began on January 10, 2006 and will end in March 2006. For information on the legislative session, link: <http://legis.state.sd.us/index.cfm>.

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Final Status
<b>Air</b>								
<b>Water</b>								
<b>Waste</b>	<b>SB 41</b>	Senate Transportation Committee	Proposes to require a that driver must be at least 21 years old if engaged in interstate commerce, or transporting hazardous material of a type or quantity requiring placarding or if the driver is operating a vehicle designed to transport more than fifteen passengers including the driver. The bill also proposes that any violation of the motor carrier safety requirements or the hazardous materials transportation regulations now be Class 2 misdemeanors and any violation of the hazardous materials regulations pertaining to packaging be a Class 1 misdemeanor.	Referred to House Transportation Committee 1/09/06	1/10/06	1/18/06		
	<b>SB 43</b>	Senate Transportation Committee	Proposes to update certain provisions for the storage of hazardous materials.	Passed Senate 1/20/06	1/10/06	1/20/06		
<b>Natural Resources</b>								
<b>Land Use</b>								
<b>Other</b>								

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# UTAH

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## **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

### **AIR INFORMATION:**

**ATTAINMENT DESIGNATION FOR PM 10 AND SO<sub>2</sub>** – The Utah Department of Environmental Quality (DEQ) is proposing revisions to the PM 10 Maintenance Plan. All areas of Utah formerly designated "non-attainment" including metropolitan Salt Lake City, are now in attainment for PM 10. Accordingly, the State revised the PM 10 SIP to reflect this redesignation. The amendments were effective September 2, 2005 and are pending EPA review. New maintenance revisions for SO<sub>2</sub> were approved and are pending EPA review. The carbon monoxide maintenance plan for Utah County and Provo City became effective January 3, 2006. For more information, contact Colleen Delaney at (801) 536-4248.

### **WATER INFORMATION:**

**AMENDMENTS TO THE MINIMUM WATER PRESSURE REQUIREMENTS FOR PUBLIC WATER SYSTEMS** – The DEQ is proposing to amend the minimum water pressure requirements for public water systems constructed after March 1, 2006. The amendments would require that such systems have a minimum 20 pounds per square inch (psi) during conditions of fire flow and fire demand experienced during peak day demand; 30 psi during peak instantaneous demand; and 40 psi during peak day demand. The DEQ accepted comments until January 31, 2006. For more information, contact Bill Birkes at (801) 536-4201. The notice of proposed rulemaking is available at <http://rules.utah.gov/publicat/bulletin/2006/20060101/28416.htm>.

### **WASTE INFORMATION:**

None.

### **OTHER INFORMATION:**

**MERCURY WORK GROUP** – The DEQ has convened a mercury work group to discuss the status of mercury in the state. The group's preliminary objectives are to provide the citizens of Utah with current, accurate and understandable information on the human and ecological concerns posed by mercury. Additional objectives are to develop an ongoing systematic, logical, and defensible mercury monitoring program to assess mercury levels in fish and waterfowl tissue; share technical information, data, and results of any investigations on mercury; and provide the citizens of Utah with access to mercury data, advisories, and information via websites, printed materials, and contact information for public health officials. The Work Group will hold a public meeting on February 8, 2006. For more information, contact John Whitehead at (801) 538-6053. The Mercury Work Group Web site is available at [http://www.deq.utah.gov/issues/Mercury/work\\_group.htm](http://www.deq.utah.gov/issues/Mercury/work_group.htm).

## **LEGISLATIVE DEVELOPMENTS**

The 2006 legislative session began on January 16, 2006 and will end on March 1, 2006. For information on the legislative session, link: <http://www.le.state.ut.us/>.

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Final Status
Air								
Water	<a href="#">HB 38</a>	Representative Ben Ferry (R)	Proposes to allow reuse of water by a public agency, including water for which water rights are not owned by the agency but a reuse authorization contract exists and establishes the process for approval of a water reuse project.	Favorable recommendation from House Natural Resources, Agriculture and Environment Committee 1/20/06	1/16/06			
	<a href="#">HB 228</a>	Representative David Ure (R)	Proposes to authorize the State Engineer to create a groundwater management plan for any groundwater basin or aquifer and allow conjunctive management of hydrologically connected ground and surface water.	Favorable recommendation from House Natural Resources, Agriculture and Environment Committee 1/20/06	1/16/06			
Waste								
Natural Resources								
Land Use	<a href="#">SB 117</a>	Senator Howard Stephenson (R)	Proposes to require the taking of property by a county, city, or town to be approved by the legislative body of that county, city, or town.	Referred to Senate Rules Committee	1/16/06			

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Final Status
Other	<a href="#">HB 43</a>	Jeff Alexander (R)	Proposes to reauthorize programs that would otherwise sunset before the 2007 Annual General Session. Programs include: Air Conservation Act; Water Quality Act; Underground Storage Tank Act; Solid and Hazardous Waste Act; Hazardous Substances Mitigation Act; Used Oil Management Act; and Waste Tire Recycling Act.	Referred to Senate Government Operations and Political Subdivisions Committee 1/20/06	1/16/06	1/17/06		
	<a href="#">HB 46</a> <a href="#">HB 46S</a>	Roger Barrus (R)	– Proposes to create the cabinet-level position of State Energy Officer and declare the state's energy policy.	Substitution suggested by House Natural Resources, Agriculture and Environment Committee 1/20/06	1/16/06			
	<a href="#">SB 153</a>	Senator Lyle Hillyard (R)	Proposes to enact the Uniform Environmental Covenants Act.		1/18/06			

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# WYOMING

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## **REGULATORY DEVELOPMENTS & OTHER STATE INFORMATION**

### **AIR INFORMATION:**

**NEW SOURCE REVIEW** – The Wyoming Department of Environmental Quality (DEQ) is proposing amendments to its New Source Review (NSR) rules reflecting recent reforms made to the federal NSR program. The DEQ intends to propose state rules that satisfy the revised federal NSR requirements using State specific language. The proposed rule is anticipated to be considered by the Environmental Quality Council (EQC) in mid-March 2006. For more information, contact Tina Anderson at (307) 777-7391. The proposed amendments are available at

<http://deq.state.wy.us/aqd/prop/Chap6Sec4-Draft%2012-16-04.pdf>.

### **WESTERN REGIONAL AIR PARTNERSHIP'S SULFUR DIOXIDE MARKET TRADING PROGRAM**

– The DEQ, with the Western Regional Air Partnership (WRAP), has developed a market trading program for SO<sub>x</sub> to be incorporated into state SIP. The DEQ released a draft sulfur dioxide emissions and milestone report on January 12, 2006. The report documents emissions of the applicable stationary sources as part of the pre-trigger portion of the sulfur dioxide Milestone and Backstop Trading Program. Comments are due February 13, 2006. For more information, contact Tina Anderson at (307) 777-7391. The draft report is available at [http://deq.state.wy.us/aqd/downloads/RegionalHaze/Draft\\_WRAP\\_Milestone\\_Report\\_2004.pdf](http://deq.state.wy.us/aqd/downloads/RegionalHaze/Draft_WRAP_Milestone_Report_2004.pdf).

### **WATER INFORMATION:**

None.

### **WASTE INFORMATION:**

**ADOPTION OF FEDERAL RCRA RULES** – The DEQ is redrafting amendments to its hazardous waste regulations and adopting federal RCRA rules adopted through June 30, 2001. The amendments include: the military munitions rule; Phase IV land disposal restrictions; used oil management standards; flexibility to issue a post-closure permit to a facility or impose the same regulatory requirements through an order or other enforceable documents; hazardous remediation waste management requirements; extended universal waste rule for lamps to all used lamps containing hazardous substances and not just mercury-containing waste; and mixed waste management. The munitions package is in the final stages of internal review and is anticipated to be submitted to the EQC in early 2006. Final EQC consideration of the Rules is expected in June 2006.

## **LEGISLATIVE DEVELOPMENTS**

The 2006 legislative session will begin on February 13, 2006 and end on March 10, 2006. For information on the legislative session, link: <http://legisweb.state.wy.us>.

Category	Bill #	Bill Sponsor	Description	Current Status	Bill Introduced	Passed 1 <sup>st</sup> House	Passed 2 <sup>nd</sup> House	Final Status
Air								
Water								
Waste								
Natural Resources								
Land Use	HB 52	Representative Tom Walsh (R)  Senator Stan Cooper (R)	Proposes to authorize the purchase of real property by the State of Wyoming near the area of Camp Guernsey, Wyoming in order to increase the capabilities of Camp Guernsey as a military training ground for the Wyoming National Guard and to prevent public or private encroachment that may inhibit future military use. Provides an appropriation for purchase of said land.	Prefiled 12/29/05				
Other								

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